

CITY COUNCIL AGENDA

AUGUST 7, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Room 600, City Hall

Absent: Council Members – None.

1:30 p.m. - Regular Session, Council Chambers, City Hall

Absent: Council Members – None.

- **Invocation (District 7)**

Carl Raye, well-known comedian from Iola Williams Senior Program, entertained the assemblage.

- **Pledge of Allegiance**

Mayor Gonzales led in the Pledge of Allegiance.

- **Orders of the Day**

Approved with recommended deferral of Item 2.5 rejected and Council action taken to approve.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a Commendation to The Community Service Area 1 Team who received the PRNS *Director's Challenge Award* for their part in the opening of a new community center serving the constituents of District One. (LeZotte)

(Deferred from 6/26/01 – Item 1.2)

Joining Mayor Gonzales at the Podium, Council Member LeZotte acknowledged the hard work of the team and invited the members who were present to join her at the Podium for a group photograph: Edesa Bitbadal, District 2 Council Assistant and Community Relations Manager; Janine Bray – Gerontology Specialist at Cypress Senior Center; Wayne Disher – Head Librarian, West Valley Library; John Dotter – Retired, Community Gardens Coordinator; Annie Gambelin and Adrianna Rivas – Project Blossom; Joe Garvin – Program Specialist at Starbird Community Center; Mary Horani – Program Specialist at Moreland-West San José Community Center; Jon Kawada – Youth Specialist-West San José; José Aragon – SNI Specialist; Hannah Slocum – Head Librarian, Calabzas Library; Pat Maier – Supervisor at Cypress Senior Center;; and Mary O'Meara – Recreation Supervisor for West San José, who accepted the commendation presented by Mayor Gonzales. Council Member LeZotte acknowledged those members who were unable to attend the meeting: Marcia Duckwork-Lanzo, Dwayne Hearn, Nick Muyo, Ramo Pinjic, and Tom Williams. The Team was commended for its dedication and service as they continue to work together to better serve and build communities.

1 CEREMONIAL ITEMS

- 1.2 Presentation of plaques to Theodore Lopez for 4 years service on the Airport Commission; to Brooks Mancini for 4 years service on the Airport Commission; to Deborah LeFalle for 2 years 10 months service on the Arts Commission; to Suzanne Malone for 6 years service on the Arts Commission; to Corazon Tomalinas for 7 years 10 months service on the CDBG Steering Committee; to Roxanne Graham for 3 years 7 months service on the Child Care Commission; to Karyn West-Brown for 3 years 7 months service on the Child Care Commission; to Alexandra Urbanowski for 4 years service on the Downtown Parking Board; and to Chris Castrence for 2 years 7 months service on the Human Rights Commission.

(Mayor)

Mayor Gonzales presented plaques to Theodore Lopez, Brooks Mancini, Suzanne Malone, Corazon Tomalinas, Roxanne Graham, Karyn West-Brown, and Chris Castrence, with the City Council's appreciation for the volunteers' contributions to the citizens of San José. The plaques for Deborah LeFalle and Alexandra Urbanowski will be mailed to the honorees, as they were unable to attend the meeting.

- 1.3 Presentation of a proclamation for National Night Out on August 7, 2001. (Mayor)
Joining Mayor Gonzales at the Podium was Tony Tran of the San José Police Department, Crime Prevention Unit, who accepted the proclamation announcing the 18th Annual National Night Out, with festivities scheduled throughout the day.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes:

- (a) Regular meeting of April 24, 2001

Approved.

- (b) Regular meeting of May 1, 2001

Approved.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26440 – Reorganizes and clarifies the ethics provisions in Title 12 by renumbering Chapters 12.02 and 12.04 and consolidating the provisions of Chapter 12.16 relating to the Ethics Board’s enforcement authority with Ethics Board provisions in Chapter 12.04 and amending and reorganizing Chapter 12.06 by deleting obsolete informational provisions and provisions relating to exploratory campaigns and making other clarifying and technical changes to Chapter 12.06.

Ordinance No. 26440 adopted.

- (b) ORD. NO. 26443 – Amends Part 1 of Chapter 17.72 and adding a new Part 1.5 to Chapter 17.72 to amend the definition of blighted property, to add minimum standards for maintaining landscaping for two-family and multiple-family dwellings, and to make other clarifying changes to the definition of blighted property.

Ordinance No. 26443 adopted.

- (c) ORD. NO. 26444 – Amends Section 11.96.070 of Chapter 11.96 of Title 11 of the San José Municipal Code to prohibit commercial vehicles in excess of 5 tons on Cape Buffalo Drive, between Berryessa Road and Commodore Drive.

Ordinance No. 26444 adopted.

- (d) ORD. NO. 26446 – Rezones certain real property situated on the west side of Old Oakland Road, approximately 400 feet southerly of Brokaw Road (1633 Oakland Road). C 01-04-050

Ordinance No. 26446 adopted.

- (e) ORD. NO. 26447 – Amends Sections 15.16.830 and 15.16.840 of Chapter 15.16 of Title 15 of the San José Municipal Code to permit installment payment of sanitary sewer connection fees and sewage treatment plant connection fees where applicant has entered into an agreement with the City which satisfies the City that the applicant will make a substantial financial contribution to expansion of the Recycled Water System operated by the San José/Santa Clara Water Pollution Control Plant, and recycled water produce by the plant will be used on the property subject to the connection fees in a volume that exceeds the projected peak wastewater flow.

Ordinance No. 26447 adopted.

2 CONSENT CALENDAR

2.3 Approval of award of contract for the Central Service Yard Emergency Generator Project.

Recommendation: Report on bids and award of contract for the Central Service Yard Emergency Generator Project to the low bidder, Steiny and Co., Inc., in the amount of \$270,620, and approval of a contingency in the amount of \$30,000. CEQA: ND. (Public Works)

Deferred to 08/14/01.

2.4 Approval of an agreement for the Evergreen Industrial Development.

Recommendation: Approval of an agreement with Yerba Buena, OPCO, LLC, Whitehall Street Real Estate Limited Partnership XIII, Whitehall Parallel Real Estate Limited Partnership XIII, DLJ Real Estate Capital Partners and Walton Evergreen Partners III, LLC for funding and investigation of the feasibility of providing public financing for the acquisition and construction of public infrastructure improvements required for the Evergreen Industrial Development. Council District 8. (Public Works) (Deferred from 6/26/01 – Item 2.45)

Dropped.

2.5 Approval of property use agreements for placement of telecommunications equipment on City facilities and in the San José International Airport.

Recommendation: Adoption of a resolution approving rate schedules and standardized non-exclusive property use agreements for placement of telecommunications equipment on City and Airport Property and authorizing the City Manager to execute such use agreements in the future if they are submitted for signature without substantive amendment. CEQA: Exempt. (Public Works) (Deferred from 6/26/01 – Item 2.47)

The recommended deferral was not approved.

Resolution No. 70538 adopted.

2.6 Approval of an agreement with the Metropolitan Transportation Commission for the City's share of the cost to prepare the 2001 Bay Area Air Passenger Survey for the San José, San Francisco, and Oakland International Airports.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Metropolitan Transportation Commission for the City's share of the cost to prepare the 2001 Bay Area Air Passenger Survey for the San José, San Francisco, and Oakland International Airports, in an amount not to exceed \$102,650. (Airport)

Resolution No. 70539 adopted.

2 CONSENT CALENDAR

2.7 Approval of a purchase order for the Five Year Metropolitan Medical Response System Continuation Planning.

Recommendation:

- (a) Approval of a purchase order from the Department of Health and Human Services in the amount of \$50,000, for the Five Year Metropolitan Medical Response System Continuation Planning for Sustainment, Assessment of Response Capabilities, and Demonstration of Operational Readiness, and extending the term from 34 months to 55 months.

Approved.

- (b) Adoption of an appropriation ordinance and revenue resolution amendments in the General Fund in the amount of \$50,000, for the Metropolitan Medical Response System Continuation Planning Project.

(Emergency Services/City Manager's Office)

Ordinance No. 26448 adopted.

Resolution No. 70540 adopted.

2.8 Approval to amend the agreement for janitorial services at City facilities.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute an amendment to the agreement for janitorial services with Acme Building Maintenance for unanticipated services during peak periods, increasing compensation by \$150,000, from \$1,841,198 to \$1,991,198. (General Services)

Resolution No. 70541 adopted.

2.9 Approval to initiate proceedings for the reorganization of territory designated as Evergreen No. 185.

Recommendation: Adoption of a resolution initiating proceedings and setting August 28, 2001 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Evergreen No. 185, which involves the annexation to the City of San José of 2.51 gross acres, located at the east side of Ruby Avenue, approximately 52 feet northerly of Murillo Avenue, and the detachment of the same from Central Fire Protection District and the Santa Clara County Library Services Area. CEQA: ND. Council District 8. (Planning, Building and Code Enforcement)

Resolution No. 70542 adopted.

2.10 Approval to award a contract for the CDBG Delno Street Reconstruction Project.

Recommendation: Report on bids and award of contract for the CDBG Delno Street Reconstruction Project to the lowest responsive bidder, JJR Construction, Inc., in the amount of \$283,475, and approval of a contingency in the amount of \$28,000. CEQA: ND. Council District 3. (Public Works)

Approved.

2 CONSENT CALENDAR

2.11 Approval of intention to vacate a portion of a public service easement on Fontanoso Avenue and Piercy Road and setting a public hearing.

Recommendation: Adoption of a resolution of intention to vacate portions of Fontanoso Avenue and Piercy Road immediately south of Silver Creek Valley Road; reserving a public service easement; and setting a public hearing on September 4, 2001 at 1:30 p.m.
CEQA: Exempt. Council District 2. (Public Works)

Resolution No. 70543 adopted.

2.12 Approval of an agreement to obtain encroachment permits and easements necessary to construct Calle de Cisco over the Union Pacific Railroad track.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Union Pacific Railroad to provide the City with the encroachment permits and easements necessary to construct Calle de Cisco over the Union Pacific Railroad track, in an amount not to exceed \$75,000. CEQA: Resolution No. 69957. Council District 2. (Public Works)

Resolution No. 70544 adopted.

2.13 Approval of an agreement to acquire real property located at the southwest corner of the intersection of Moorpark Avenue and Winchester Boulevard.

Recommendation: Approval of an agreement with Richard V. Orlandi and Margaret Orlandi, trustees, for the acquisition of 0.05 acre of real property located at the southwest corner of the intersection of Moorpark Avenue and Winchester Boulevard in the amount of \$200,000, and authorization for the Director of Public Works to execute the necessary documents to complete the transaction. CEQA: Resolution No. 68210. Council District 1. SNI: Winchester. (Public Works)

Approved.

2.14 Approval of additional construction work for the Fire Station No. 30 Remodel and Seismic Upgrade Project.

Recommendation:

- (a) Approval of Contract Change Order No. 8 for the Fire Station No. 30 Remodel and Seismic Upgrade Project with Eddie Torrez Construction, Inc., for additional construction work resulting from Fire Department requests and unforeseen conditions in the amount of \$38,500, for a total contract amount of \$1,154,851, and extending the term of the agreement from April 20, 2001 to August 14, 2001.
- (b) Approval of an increase in the construction contingency in the amount of \$38,500, increasing the contingency from \$180,000 to \$218,500.

CEQA: Exempt. Council District 3. (Public Works/Fire)

Approved.

2 CONSENT CALENDAR

2.15 Approval of Council Member Forrest Williams' travel to New York.

Recommendation: Approval of Council Member Forrest Williams' travel to New York City, New York, on July 25-31, 2001, to attend Americans for the Arts and the National Assembly of State Arts Agencies First Joint Conference. Funding: Office of Cultural Affairs. (Williams)

Approved.

2.16 Approval of City Auditor Gerald Silva's travel calendar through December 31, 2001.

Recommendation: Approval of City Auditor Gerald Silva's travel calendar through December 31, 2001, at a cost to the City of \$935. Funding: Auditor's Non-Personal budget. (City Auditor)
(Rules In Lieu referral 8/1/01)

Approved.

2.17 Approval of amendment to legal services agreement to increase compensation.

Recommendation:

- (a) Adoption of a resolution authorizing the City Attorney to negotiate and execute a third amendment to the legal services agreement with McCutchen, Doyle, Brown & Enersen, LLP, related to the development of the North Coyote Valley Industrial Campus Area, increasing compensation by \$250,000, to a total amount not to exceed \$400,000. (City Attorney's Office)

Resolution No. 70545 adopted.

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund in the amount of \$250,000, to provide funding for the third amendment to the agreement with McCutchen, Doyle, Brown & Enersen, LLP. (City Manager's Office)

(Rules In Lieu referral 8/1/01)

Ordinance No. 26449 adopted.

Resolution No. 70546 adopted.

2.18 Approval of replacement of trustee for existing Airport Revenue Bonds.

Recommendation: Adoption of a resolution authorizing the removal of U.S. Bank Trust National Association as the trustee for existing Airport Revenue Bonds and appointing BNY Western Trust Company as the trustee for the existing Airport Revenue Bonds effective August 14, 2001, and to authorize other related actions.

(City Attorney's Office)

(Orders of the Day)

Resolution No. 70547 adopted.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

- (a) April 26, 2001 - Strong Neighborhoods Initiative
The report was accepted with emphasis on the need to keep the program moving forward, that new strategies should be considered and innovative measures used to increase efficiencies and be successful, and that Staff's efforts should be proactive and creative in moving the program forward.
- (b) May 7, 2001 - FY 2001-02 Capital Budget
Council accepted presentations on the Proposed 2001-02 Capital Budget and the Proposed 2002-06 Capital Improvement Program from four City Service Areas.

3.2 Report of the Rules Committee

Vice Mayor Shirakawa, Jr., Chair

No Report.

3.3 Report of the Finance and Infrastructure Committee – June 27, 2001

Council Member Dando, Chair

- (a) Consent Items
 - (1) May Monthly Report
The Committee approved the consent items.
- (b) Audit of Building Division's Cash Handling and Refund Process
The Committee accepted the report.
- (c) Sales and Business Tax Report for Quarter ended March 31, 2001
The Committee accepted the report.
- (d) Findings Report on Bay 101 Conditional Approval of Stock Transfer Agreement for Quarter Ending December 31, 2000
The Committee accepted the report.
- (e) Audio Broadcasting of Council Committees over the Web
The Committee accepted the report and approved the \$12,000 budget appropriation for the addition of Web Streaming equipment to Conference Room 204.

See Item 3.8 for Council action taken.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – June 27, 2001 – (Cont'd.) Council Member Dando, Chair

- (f) Monthly Financial Statement for May 2001
- (g) Capital Cost Report for May 2001
- (h) Cash Flow Projection
- (i) Redevelopment Agency Debt Profile

The Committee forwarded to Redevelopment Agency Board for consideration Items 3.3(f), (g), (h) and (i).

- (j) Oral petitions
Bill Chew spoke on the Redevelopment Agency's spending patterns.

- (k) Adjournment
The Committee adjourned at 3:45 p.m.

The Finance and Infrastructure Committee Report and actions of June 27, 2001 accepted with Council action on Item 3.3(e) taken at Item 3.8 and Redevelopment Agency items referred to the Redevelopment Agency Board for action.

3.4 Appointment of new member to the Federated City Employees Retirement System Board of Administration.

Recommendation: Appoint a retiree to the Federated City Employees Retirement System Board of Administration to a term which expires November 30, 2004.

(City Clerk)

William A. Thomas was appointed the Retiree Representative to the Board of Administration.

3.5 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of an appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Fourth Street and San Fernando Garage Public Art Project, Pala Youth Center Public Art Project, the Paseo Plaza Public Art Project, the Bart to San José Study Project, the Coleman/880 Interchange Improvement Project, and the Sherman St. Park Plaza Project with a net impact to the fund of \$2,060,050.

(City Manager's Office)

Ordinance No. 26450 adopted.

Resolution No. 70548 adopted.

3 STRATEGIC SUPPORT SERVICES

3.6 Public hearing and adoption of a resolution approving the FY 2001-02 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports.

Recommendation: PUBLIC HEARING and adoption of a resolution approving the FY 2001-02 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports of the Director of Finance. (Finance)

Resolution No. 70549 adopted.

3.7 Approval to establish the FY 2001-2002 property tax levy for all taxable property for general obligation bonded indebtedness.

Recommendation: Adoption of a resolution establishing the FY 2001-2002 property tax levy for all taxable property for general obligation bonded indebtedness. (Finance)
(Rules In Lieu referral 8/1/01)

Resolution No. 70550 adopted.

3.8 Approval of audio broadcasting of Council Committees over the Web.

Recommendation: Approval of audio broadcasting of Council Committees over the Web. (Information Technology)

[Finance and Infrastructure Committee referral 6/27/01 – Item 3.3(e)]

Deferred to 08/14/01.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair
No Report.**

4.2 Report on the ballot tabulation results for Maintenance Districts 4, 9, 11, 19, and 20.

Recommendation:

(a) Direction to the City Clerk to report the ballot tabulation results for:

(1) Maintenance District 4 (Gateway Place – Airport Parkway).
A majority of 100% of voters opposed the reauthorization.

(2) Maintenance District 9 (Santa Teresa – Great Oaks).
A majority of 83.63% of voters favored the reauthorization.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Report on the ballot tabulation results for Maintenance Districts 4, 9, 11, 19, and 20. – (Cont'd.)

Recommendation:

- (a) (3) Maintenance District 11 (Brokaw Road from Junction Avenue to Old Oakland Road).
A majority of 56.1% of voters favored the reauthorization.
- (4) Maintenance District 19 (River Oaks Area Landscaping).
Zone A: A majority of 65.1% of voters favored the formation.
Zone B: A majority of 90.2% of voters favored the formation.
- (5) Maintenance District 20 (Renaissance - North First Landscaping).
Zone A: A majority of 79.1% of voters favored the formation.
Zone B: A majority of 50.8% of voters favored the formation.
- (b) Adoption of resolutions approving the Fiscal Year 2001-2002 Engineer's Reports, and approving the base assessment with an annual adjustment and imposing the assessments for:
 - (1) Maintenance District 9.
Resolution No. 70551 adopted.
 - (2) Maintenance District 11.
Resolution No. 70552 adopted.
 - (3) Maintenance District 19.
Resolution No. 70553 adopted.
 - (4) Maintenance District 20.
Resolution No. 70554 adopted.
- (c) Direction to City staff to begin the process of forming a new district to replace Maintenance District 4.
Council Districts 2, 3, and 4. (Public Works)
(Continued from 6/26/01 – Items 4.3 and 4.4)
Council directed Staff to begin the process of forming a new district to replace Maintenance District 4.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of a sign remediation agreement to alter the heights of and to remove certain billboards.

Recommendation: Approval of a sign remediation agreement with Eller Media Company to:

- (a) Alter the height of billboards on the property located at the north side of State Highway 237, approximately 150 feet westerly of Gold Street, to allow two (2) existing billboard panels to be increased in height from approximately 34 feet to a maximum of 50 feet in height on 0.7 gross acre. CEQA: Negative Declaration.
BB 01-06-001 – District 5
- (b) Alter the height of a billboard on the property located at the north side of Las Plumas Avenue, approximately 100 feet northeasterly of US Highway 101, to allow an existing billboard panel to be increased in height from approximately 28 feet to a maximum of 50 feet in height on 2.87 gross acres. CEQA: Negative Declaration.
BB 01-06-002 – District 4
- (c) Remove five billboards.
(Planning, Building, and Code Enforcement)
Deferred to 08/14/01.

4.4 Approval, confirmation, and adoption of the FY 2001-2002 Annual Budget Reports for Maintenance Districts.

Recommendation: Adoption of resolutions approving, confirming, and adopting the Annual Budget Reports for Fiscal Year 2001-02 for the following City of San José Maintenance Districts and levying the assessments therein:

- (a) Maintenance District 1
Resolution No. 70555 adopted.
- (b) Maintenance District 2
Resolution No. 70556 adopted.
- (c) Maintenance District 5
Resolution No. 70557 adopted.
- (d) Maintenance District 8
Resolution No. 70558 adopted.
- (e) Maintenance District 13
Resolution No. 70559 adopted.
- (f) Maintenance District 15
Resolution No. 70560 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval, confirmation, and adoption of the FY 2001-2002 Annual Budget Reports for Maintenance Districts – (Cont'd.)

Recommendation: Adoption of resolutions approving, confirming, and adopting the Annual Budget Reports for Fiscal Year 2001-02 for the following City of San José Maintenance Districts and levying the assessments therein:

(g) Maintenance District 18
Council Districts 2, 4, and 8. (Public Works)

Resolution No. 70561 adopted.

4.5 Approval of an agreement for the purchase of a parcel of land located at 870 Tully Road for the New Central Branch Library.

Recommendation: Approval of an agreement with Javier and Amelia Vega, for the purchase of a parcel of land located at 870 Tully Road in the amount of \$795,000, and authorization for the Director of Public works to execute the necessary documents to complete the transaction. CEQA: Exempt. Council District 7. SNI: West Evergreen and Tully/Senter. (Public Works)

Approved.

4.6 Approval to award a contract for the Hensley Historic District, W. San Carlos, and E. Santa Clara Pedestrian Streetlighting Improvement Project.

Recommendation: Report on bids and award of contract for the Hensley Historic District, W. San Carlos, and E. Santa Clara Pedestrian Streetlighting Improvement Project to the low bidder. CEQA: Exempt. Council Districts 3 and 6. SNI: 13th Street. (Public Works)

Deferred to 08/14/01.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 18, 2001

Council Member Chavez, Chair

- (a) Youth Commission Monthly Reports
 - (1) Follow-up report on Domestic Violence
- The Committee accepted the report.**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 18, 2001 – (Cont'd.)

Council Member Chavez, Chair

(b) Aging Services Master Plan Update

The Committee accepted the report with the following directives to Staff:

- **A Preliminary Report is presented to the Committee at the September 17, 2001 meeting on the strategies and processes for updating the Strategic Plan for Aging Services, including cost per unit per service; and**
- **A Senior's City-wide event is held in May 2002.**

(c) San José BEST Recommendations/Evaluations

The Committee accepted the report, with the following directives to Staff:

Following reports be prepared and returned to the Committee at the September 17, 2001 meeting:

- **Is truancy going down; are the schools still losing as much money; and are we seeing less repeat offenders?**
- **A breakdown of the number of surveys sent to parents versus number of responses.**
- **Report on police statistics on young people who have been involved in severe injuries or deaths over the last 6 months to see how many of those were in school, habitual truants, or dropped out of school (when and why).**
- **A meeting is held for each group funded, including the Police Department, to philosophically approach the question of truancy.**

See Item 5.4 for Council action taken.

(d) Report on the implementation/timeline for Skate Park

- (1) A preliminary report indicating acreage by type, cost by type, and timeline by type**
- (2) A graph on parks presently in operation, showing supervised/unsupervised, type, cost and hours of operation**

The Committee accepted the report, with the following directives to Staff:

- **The Skatepark Update Report will become monthly which will include what parks are planned, where in the process, timelines and a calendar showing dates for implementation for the various skateparks throughout the City.**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 18, 2001 – (Cont'd.)

Council Member Chavez, Chair

- (e) Request for direction and approval on proposed ordinance amending Chapter 17.72 of the San José Municipal Code as to the definition of blight, minimum property maintenance standards on two-family and multi-family property, commercial and industrial property landscape requirements, enforcement remedies and, request for direction and comments on landscape maintenance standards for single-family residential property.
This Item Heard by Council on 06/26/01.
- (f) Approval of the final draft Auto Body Ordinance
The Committee accepted the report.
- (g) Approval of final draft for “Blueprint for Bridging the Digital Divide”
The Committee accepted the report with the following directive:
 - **Action steps for year one, including the inventory of existing resources, funding implications, and Smart Start Centers, is returned to the Committee at the September 17, 2001 meeting.**
- (h) Oral petitions
None Presented.
- (i) Adjournment
The Committee adjourned at 4:10 p.m.

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of June 18, 2001 accepted with Item 5.1(c) acted upon at Item 5.4.

5.2 Acceptance of the 2001 Public Art Workplan Second Quarter Report.

Recommendation: Acceptance of the 2001 Public Art Workplan Second Quarter Report. (Conventions, Arts and Entertainment)

Council accepted the report with direction to Staff to submit a report to Council on how the art will be maintained.

5.3 Approval, confirmation, and adoption of the FY 2001-2002 Library Benefit Assessment District Annual Report.

Recommendation: Adoption of a resolution approving, confirming, and adopting the City of San José Library Benefit Assessment District Annual Report for Fiscal Year 2001-2002 and levying the assessments. (Public Works)

Resolution No. 70562 adopted.

5 RECREATION & CULTURAL SERVICES

5.4 Approval of the San José BEST recommendations/evaluations.

Recommendation:

- (a) Approval of the San José BEST (Bringing Everyone's Strengths Together) Cycle XI Allocation Plan for 2001-2002.

Approved.

- (b) Approval of the 2001-2004 Mayor's Gang Prevention Task Force Strategic Plan.

Approved.

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements with the BEST Eligible Service Providers, consistent with the Cycle XI Allocation Plan, for a total amount not to exceed \$3,660,700.

(Parks, Recreation and Neighborhood Services)

[Education, Neighborhoods, Youth and Seniors Committee referral 6/18/01 – Item 5.1(c)]

Resolution No. 70563 adopted.

6 TRANSPORTATION SERVICES

6.1 Approval to increase parking rates at the San José McEnery Convention Center Parking Garage.

Recommendation: Adoption of a Parking Rate Resolution increasing parking rates at the San José McEnery Convention Center parking garage. Council District 3.

(Transportation)

(Deferred from 6/26/01 – Item 6.7)

Resolution No. 70564 adopted.

Council accepted the proposed modifications to the parking rates with the exception of the Library access rate, which will remain at the current rate, and directed Staff to explore other methods that are less cumbersome and expensive and submit a report to Council.

6.2 Public hearing and approval of the vacation of a portion of public service easements on Fleming Avenue.

Recommendation: PUBLIC HEARING and adoption of a resolution approving the vacation of a portion of the public service easement on Lots 1 and 5 of Tract No. 9257 on Fleming Avenue across Mahoney Avenue. CEQA: ND. (Public Works)

Resolution No. 70565 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of an agreement for design services for two new South Bay Water Recycling reservoirs.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Brown and Caldwell for Professional Engineering Services to provide design services for two new South Bay Water Recycling reservoirs to be located in the Evergreen and Silver Creek areas of San José and for construction management for the Silver Creek reservoir, in an amount not to exceed \$3,100,000, including \$250,000 for additional engineering support to accommodate project uncertainties, for the period September 1, 2001 to December 31, 2004. CEQA: ND. (Environmental Services)

Resolution No. 70566 adopted.

7.2 Approval of an agreement for the sale and delivery of landfill methane gas for the Water Pollution Control Plant.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Gas Recovery Systems, Inc. for the sale and delivery of landfill methane gas at below market rates from Browning Ferris Industries Newby Island site to the San José/Santa Clara Water Pollution Control Plant. (Environmental Services)

Dropped.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

Closed Session Report

Disclosure of Closed Session Action of August 7, 2001 submitted by City Attorney, J. Richard Doyle:

A. Authority to Enter Litigation Cases as *Amicus Curiae*:

1. Case Name: Charter Communications, Inc., et al. v. County of Santa Cruz

Adverse Party or Parties: Charter Communications, Inc.

Substance of Litigation: Dispute regarding the process and review of a cable franchise transfer application.

Council Vote:

Ayes:	Campos, Chavez, Cortesé, Dando, Diquisto, LeZotte, Reed, Shirakawa, Jr., Williams, Yeager; Gonzales.
Noes:	None.
Absent:	None.
Disqualified:	None.

• Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>TRACT</u>	<u>PROPOSED DECISION</u>
Tract No. 9296	Approve
Tract No. 9332	Approve
Tract No. 9343	Approve
Tract No. 9351	Approve

- **Open Forum—**

The following individuals spoke on the City Charter and tax revenue of the Redevelopment Agency: Linda Rae Hermann, Kate Lutz, Colette Marie McLaughlin, Yolanda Reynolds, and William J. Garbett.

- **Adjournment**

The Council of the City of San José adjourned at 2:55 p.m.